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ABSTRACT

To highlight forces that impede constructive relationships between legislators and agency representatives, advice is offered on presenting testimony in legislative sessions or providing information to a legislator, based on the viewpoint of a state legislator. It is advisable to avoid approaching legislators with the attitude that they are the uninformed and are unable to deal with the complexities of the witnesses' specialized field. Since the legislator will make the decisions, the witness should not present statistical data without interpreting it so that the legislator can understand it. Witnesses should avoid a very lengthy presentation and overused generalizations that proposed legislation is not needed because the function is already being done or because it will be very costly to implement. Presenting information that is false or inaccurate is probably the most destructive form of testimony. A direct and organized approach is essential. Guidelines include the following: know the issue being addressed and the facts that support the position presented; be clear and brief; have all relevant cost figures; offer to answer questions or to send answers to questions that cannot be immediately answered; present any relevant past experience; do not be evasive or antagonistic; use demonstration materials such as charts, graphs, or pictures; do not assume legislators have read material sent to them; and respect time allotments for presentations. In addition to testifying or directly contacting legislators, agency personnel may want to support their cause with a long-range educational campaign to win interest and sympathy for programs. It must be remembered that the legislator has to consider many factors, including the taxpayer who pays the bill. (SW)

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Inservice Education Program (IEP)

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OR

THE FINE ART OF LEGISLATIVE DIPLOMACY

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SENATOR CLARENCE W. BLOUNT

State Senate of Maryland

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SHEEO

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OR

THE FINE ART OF LEGISLATIVE DIPLOMACY

BY

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PRESENTED TO THE EDUCATION COMMISSION OF THE STATES (SHEEO)
NATIONAL SEMINAR IN SERVICE EDUCATION PROGRAM

JANUARY 28, 1976
ST. PETERSBURG, FLORIDA

LADIES AND GENTLEMEN:

Appearing here today to talk about forces which damage constructive relationships from the point of view of the Legislature is a therapeutic opportunity for me. The Maryland Legislature has just begun its 1976 session, and I am about to undergo endless hours of listening to testimony from public and private agency people, special interest groups, and constituents, on several thousand bills. So this is my day in court -- my chance to tell you what it is that makes good testimony, and what turns me, and other legislators off, and damages constructive relationships between legislators and agency people who appear before us.

My job as a legislator is to extract essential information from all of the data which is presented to me, weigh it, and determine what I conceive to be in the best public interest.

What influences this determination? Well, the agency head or administrator who has a reputation for running a good shop -- administering his department effectively -- having goals and objectives that are met -- is going to influence me faster than the one who does not. If you have a reputation as a person who knows what you're doing and who uses the dollars appropriated to your agency well, you won't have to work too hard to sell your program. If you know your subject area and project warmth and sincerity in presenting it, you are ahead. If you can make your request and deliver your information in language legislators can easily understand you have a better chance.

Frequently you appear before a committee -- this is an opportunity to sell your cause, or damage it. As important as running a good department, and having a reputation for getting things accomplished, is knowing how to approach a committee or a legislator.

In the endless hours of testimony we hear all kinds of witnesses:

We listen to witnesses who approach us with the attitude that legislators are the uninitiated. They look upon us as uninformed and unable to deal with the complexities of their specialized field. They seek to impress the legislator with their knowledge. Often this witness will supply reams of statistical data which he fails to interpret so that the legislator can understand it. Since it is the legislator who makes the decisions, this man damages his case.

Then there is the witness who makes a very lengthy presentation, little of which is germane to the legislation at hand. This type of presentation comes in two varieties. One is the witness who determindely reads 14 pages of prepared testimony to a committee although he sees that committee members are becoming fidgety and leaving. Some even ignore the committee chairman's reminders of time limitations.

The other is the fellow who comes totally unprepared and thinks by rambling on for a considerable period he will impress the committee. Neither is effective.

Then there is the witness who cries wolf. No matter how just, or important, or insignificant the change proposed, he assures his listeners that this will put him out of business or prevent his agency from functioning. Another version of this tactic is the approach to all legislation that no legislation is needed. This is sometimes accompanied with statements of "we are already doing this" at the same time protesting that "it will be very costly to implement". These kinds of overused generalizations are too frequently encountered by legislators.

Presenting information which is false or inaccurate is probably the most distructive form of testimony since in this manner you not only may destroy a bill but lose your own credibility at the same time.

Although you may occasionally want to employ one of these techniques to kill a bill, by and large, they are poor ways to approach legislators. If you want to work effectively toward a constructive relationship, a direct and organized approach is of prime importance.

Keep in mind who a legislator is and what he hopes to learn from you. He is a layman who needs to learn something about how a bill will affect various groups in order to make a fair judgement in developing a law. If he has been in the Legislature before, he has learned something about many subjects, and he has listened to many witnesses on the same subject. If the subject matter is new to him, he may need background information. You may want to talk to a new Legislator individually to provide him with information the rest of the committee already knows.

In approaching a legislator, make sure he knows who you are and who you represent. Get to the core of the problem you want to discuss with him immediately. Then present facts which are relevant in a clear and brief manner. Finally, give him an opportunity to ask questions. Remember, a legislator's time is limited. Only ask for an appointment to see him when it is important. Many times a short conversation as he enters or leaves a committee or session is enough to determine that he understands your problem and is sympathetic. You may also present your case through a phone call, letter, or written presentation.

But in all cases, the guidelines are the same:

1. Know the issue you are talking about and the facts which support your position.
2. Make your presentation clear and brief.
3. Don't be repetitious either in your own statement or by duplicating material presented by others.
4. Have all relevant cost figures. A legislator always needs to know what a program will cost.
5. Offer to answer questions or send answers to questions if you don't have the answers.
6. If there is any relevant past experience, present it.
7. Don't be evasive.
8. Don't be antagonistic. Don't insult a legislator's intelligence or "look down your nose" at him.
9. Demostration materials are effective. Charts, graphs, or pictures which can be presented quickly help to make your points striking.
10. Organize your presentation. Having a variety of witnesses -- a young person, an older person, a woman -- particularly a good looking one who knows her subject -- presenting different aspects of your case will get you broader sympathy rather than having one person talk for a long period of time.

11. Don't assume a legislator has read material you have sent him. We cannot possibly read the volumes of information we receive in printed form.
12. Respect time allotments.
13. Don't distort information.
14. Don't over-do it. Know when your case is won!

A legislator does not have time to do his own research. If you help him by supplying objective information you are building the basis for a constructive relationship. He needs that kind of help, and if he knows you will provide it, he will seek other information from you when he needs it.

In addition to testifying or directly contacting legislators about specific pieces of legislation, you may also want to support your cause with a long range educational campaign to win interest and sympathy for your programs. Don't overlook the value of encouraging people who support your cause and who live in a legislators district to contact him.

The basic approach applies whether you are supporting or opposing a bill, or seeking support for money for your department in the budget.

Remember that legislators are people. They will respond to helpful, knowledgeable assistance. While you are involved in administration, your interest is only one of many which a legislator must consider. He must also balance the total fiscal position of the state, as well as other interests which will be helped or hurt by a legislative action. Respect his position. Realize that his function is different from yours. You can only damage your own relationship by failing to acknowledge that under our democratic system of government, it is the citizen legislator, representing the taxpayer who foots the bill, not the experts or special interests, which determine the direction your program will take.

Your best bet is to work with the legislators, in the best way you know, to gain their confidence. This is the way to win them over for your program.

Failure to keep in mind the objectives and needs of a legislator, respecting them, and helping him to attain them, will only damage your relationship with him, and diminish what you can accomplish for your own program.

The response you get from legislators will be conditioned by the attitude you bring to the relationship.

Keep in mind the story of the Yankee brothers, John and Sylvester. They had not spoken to each other for ten years. A neighbor persuaded Sylvester to greet his brother as he came along the road. "I'll do it to oblige you," said Sylvester, "but he won't answer."

As John approached, Sylvester called, "John, when are you going to bring home that iron bar you stole from me, you thief?" John walked on without a word. Sylvester turned to his neighbor and said triumphantly: "I told you he wouldn't speak to me."